

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:23-cv-00017-RJC

KENNETH CROMWELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<u>ORDER</u>
KILOLO KIJAKAZI,	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	

---

**THIS MATTER** is before the Court on Defendant's Consent Motion to Remand this case to the Commissioner for further action. (Doc. No. 13). Under sentence four of 42 U.S.C. § 405(g), “[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” *See also Shalala v. Schaefer*, 509 U.S. 292, 296–97 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Government's request to remand this action for further administrative proceedings, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings, including a supplemental hearing.

Upon remand, the Administrative Law Judge shall hold a supplemental hearing, assess the nature and severity of the claimant's impairment(s), assess whether the severity of the claimant's condition meets or equals the requirements of a Listing and, if not, the limitations that could

reasonably have resulted from the claimant's impairment(s).

**IT IS, THEREFORE, ORDERED**, for good cause shown, that Defendant's Consent Motion to Remand, (Doc. No. 13), is **GRANTED**. The Court hereby **REVERSES** the decision of the Commissioner and **REMANDS** this case for further administrative proceedings. The Clerk of Court is directed to enter a separate judgment pursuant to Federal Rule of Civil Procedure 58 and to close this case.

Signed: September 1, 2023



Robert J. Conrad, Jr.  
United States District Judge

